

<b>Report to:</b>	Licensing and Regulatory Committee	<b>Date of Meeting:</b>	Monday 25 June 2018
<b>Subject:</b>	M58 Junction 1 Improvements – Diversion of a Public Right of Way		
<b>Report of:</b>	Head of Locality Services - Commissioned	<b>Wards Affected:</b>	Molyneux;
<b>Portfolio:</b>	Locality Services		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

**Summary:**

To seek Members' approval of modifications to the Public Right of Way network in Melling which are necessary to facilitate improvements to Junction 1 of the M58 motorway.

**Recommendation(s):**

It is recommended that the Head of Regulation and Compliance be authorised to progress the:

- i. Order for the Diversion of Melling No. 32
- ii. Dedication of the diverted and extended Melling No. 32 as bridleway
- iii. subject to completion of (i), & (ii) above be authorised to make a Definitive Map Legal Event Modification Order under Section 53 Wildlife and Countryside Act 1981 to amend the Definitive Map & Statement to record the additional way as shown as the line A-E on plan M58J1-ATK-GEN-ZZ-DR-Z-0007 on the Definitive Rights of Way Map and Statement and the change of status of Melling Footpath No. 32 to a bridleway and its diversion as shown as the lines E-C and B-D on plan M58J1-ATK-GEN-ZZ-DR-Z-0007.

**Reasons for the Recommendation(s):**

The M58 Junction 1 scheme involves the creation of two new slip roads to the south west of the junction with Maghull Lane. In order to accommodate the new on-slip the section of Giddygate Lane needs to be stopped up. This section currently forms part of a public

right of way, Melling no. 32. The scheme involves the creation of a new farm access track which will link the remaining element of Giddygate Lane with Maghull Lane. It is proposed that the public right of way be diverted onto the farm access track with both a series of steps and a ramped access provided to Maghull Lane. It is proposed that this diverted public right of way be dedicated as bridleway.

This report seeks authority for the legal process be implemented in order to enable the diversion to be introduced and the Definitive Rights of Way Map and Statement to be modified accordingly.

Pursuant to section 53 of the Wildlife and Countryside Act 1981, the Surveying Authority has a duty to amend the Definitive Map and Statement of Public Rights of Way following a legal event that has altered a Right of Way.

Sefton Council fulfils the role of Surveying Authority and as a result, the series of legal changes listed in the report to the Rights of Way network, must make a Legal Event Modification Order to amend the Definitive Map and Statement of Public Rights of Way accordingly.

The Surveying Authority also has a duty to continually review the Definitive Map and Statement of Public Rights of Way and should it become aware of the need to add, alter or remove a Right of Way, make the required Modification Order.

Within the Council's current constitution consideration of rights of way issues fall under the remit of the Area Committees.

### **Alternative Options Considered and Rejected:** (including any Risk Implications)

The farm access track is a necessary element of the scheme in order to provide access between Maghull Lane and Guest Farm and is as close to the section of Giddygate Lane to be stopped up as possible, albeit with the junction with Maghull Lane being further from the roundabout, for highway safety reasons.

There are no alternative options which provide as close a route to the existing public right of way than the one proposed.

### **What will it cost and how will it be financed?**

#### **(A) Revenue Costs**

None.

#### **(B) Capital Costs**

The works associated with the stopping up of Giddygate Lane and creation of the farm access track will be funded from the scheme budget which is included within the Council's Capital Programme. Similarly, the costs of publicising the Order will be funded from the scheme budget. It is acknowledged that should there be an objection to the Order then the Council will need to refer the matter to the Secretary of State who may

determine the matter be considered by written representation, or by a public inquiry. Any associated costs will be funded from the scheme budget.

**Implications of the Proposals:**

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> The processing of the order will be completed by staff within Locality Services with any capital costs funded from the scheme capital budget.
<b>Legal Implications:</b> The legal implications are set out in the report
<b>Equality Implications:</b> There are no equality implications

**Contribution to the Council's Core Purpose:**

Protect the most vulnerable: not applicable
Facilitate confident and resilient communities: not applicable
Commission, broker and provide core services: not applicable
Place – leadership and influencer: not applicable
Drivers of change and reform: not applicable
Facilitate sustainable economic prosperity: not applicable
Greater income for social investment: not applicable
Cleaner Greener: supports sustainable travel and leisure cycling and walking

**What consultations have taken place on the proposals and when?**

**(A) Internal Consultations**

The Head of Corporate Resources (FD 5186/18) and Head of Regulation and Compliance (LD.4410/18) have been consulted and any comments have been incorporated into the report.

**(B) External Consultations**

The proposals for the diversion have been discussed with the Sefton walking groups.

## **Implementation Date for the Decision**

Immediately following the Committee / Council meeting.

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## **Appendices:**

There are no appendices to this report

## **Background Papers:**

There are no background papers available for inspection.

## **1.0 Introduction/Background**

- 1.1 The M58 Junction 1 Improvement scheme was approved by Cabinet on 3 September 2015 and Council on 17 September 2015. A further report was taken to Cabinet on 6 April 2017 seeking authority to make a Compulsory Purchase order for the land required to construct the scheme.
- 1.2 The Council subsequently procured a Contractor, John Sisk and Sons to complete the design and construction of the scheme. The design has been completed and the scheme costed and the contractor is in a position to begin the works as soon as the land is secured.
- 1.3 Planning permission has been granted for the scheme and a formal agreement has been signed with Highways England to enable the Council to complete the works on the motorway network.
- 1.4 Negotiations over the land have been in progress for some years. A Compulsory Purchase Order (CPO) was made by Highways England on the Council's behalf and the formal objection period has now expired. One objection was received, but this is centred on the extent of the land required rather than the scheme itself. Negotiations are proceeding with the hope that the objection will be withdrawn. However, if the objection remains, then the matter will be considered by an Inspector appointed by the Department for Transport using written representations.
- 1.5 The new 'on-slip' will be constructed on the section of Giddygate Lane parallel to the motorway which forms a gated private means of access. A consultation exercise completed in 2016 concluded that the vast majority of the current key holders preferred that the relevant section be stopped up with no alternative provided, other than a private means of access to Guest Farm.
- 1.6 The scheme design was developed to close Giddygate Lane to vehicular traffic and to include a new farm access track which over some of its length, runs parallel to the new slip road.
- 1.7 A Stopping Up Order (SRO) was made at the same time as the CPO. No objections were received during the consultation process. The SRO will be confirmed once the CPO is confirmed. The plan accompanying the Order is appended.
- 1.8 A Public Right of Way, Melling no. 32, extends along the section of Giddygate Lane to be stopped up. The newly created farm access track provides an alternative route suitable for pedestrians and cyclists parallel to and relatively close to the existing route. The design incorporates steps to provide the most direct route between the farm access track and Maghull Lane for able bodied users, particularly those travelling from and towards Maghull. A link is also provided between to accommodate cyclists, pushchairs and disabled users.

- 1.9 The proposed amendment to the Public Right of Way has been discussed with the Sefton Walking Group and seems to have been well received.
- 1.10 This report seeks to make the necessary amendments to the Definitive Map to include the relevant section of the farm access track and associated links as a bridleway.

## **2.0 Proposed Modifications**

- 2.1 The proposed Legal Event Modification Order (LEMO) for the bridleway will alter the DM Map as shown on Plan No. M58J1-ATK-GEN-ZZ-DR-Z-0007 and alter the DM statement to include the following description:

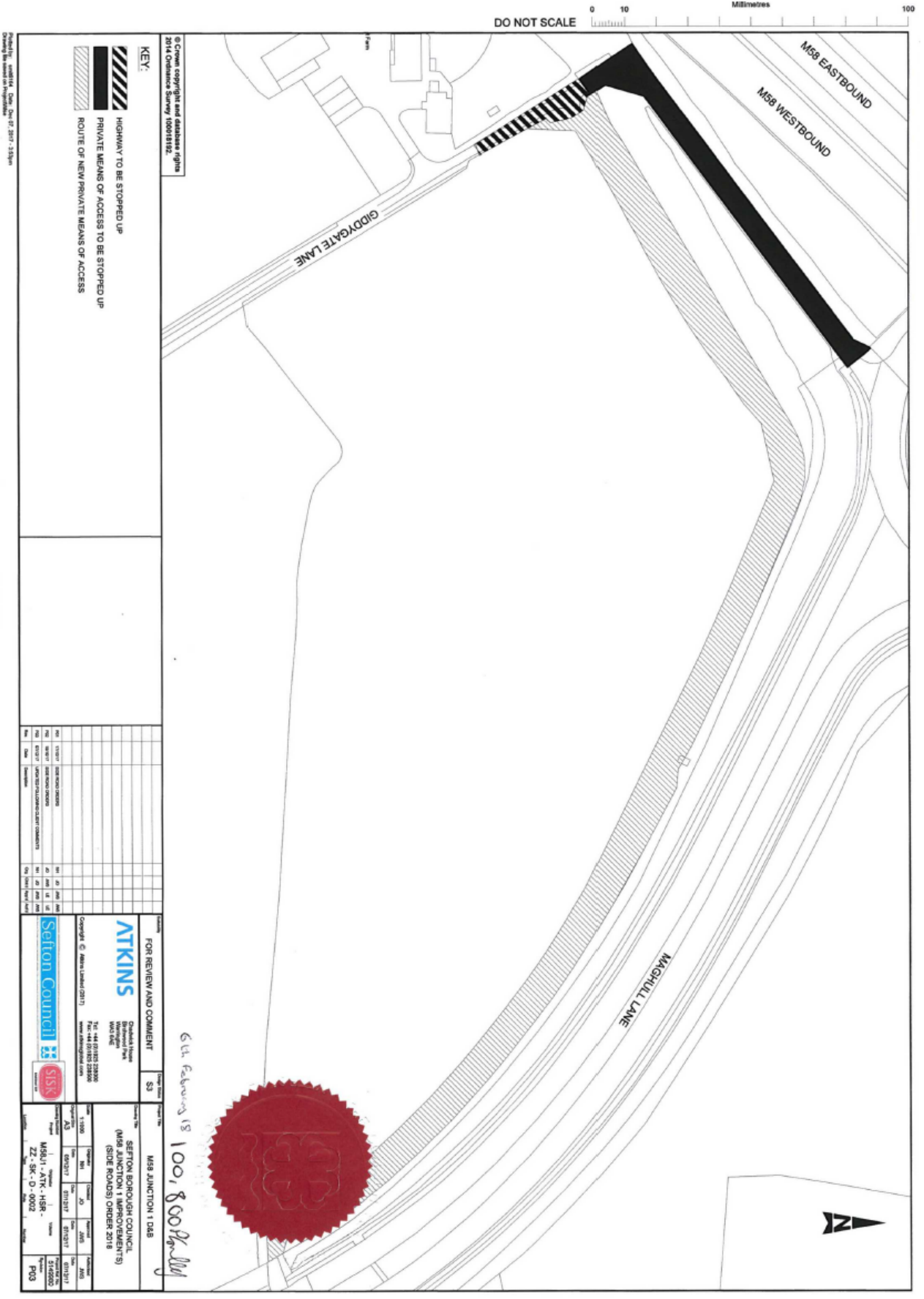
### Melling No. 32

- Commencing on Giddygate Lane, at a point 16m north of the midpoint of the access to Guest Farm (Point A), O.S Grid Reference SD 339856,402058, the way is a bituminous path running in a northerly direction for a distance of 34 metres with a width of 3.1 metres, it then continues in an easterly direction for a distance of 130 metres along a stoned access track of width 3.5 metres to Point B, OS Grid Reference 339953, 402160. At this point the right of way continues in a south easterly direction for a distance of 83m along a bituminous path of width 2.4 metres to join Maghull Lane an Point C of OS Grid reference 340042, 402139. A further element of the way is a path leading up steps from Point B, to join Maghull Lane at Point D OS Grid Reference SD 339964, 402160.
- The length of the way is 270 metres in total.

## **3.0 Conclusion**

- 3.1 In line with The Wildlife and Countryside Act 1981, Definitive Map Modification Orders to record the above detailed changes to the rights of way network are required.





Plan forming part of the Sefton Borough Council (M58 Junction 1 Improvements) (Side Roads) Order 2018